

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Wesley Ganson,

Plaintiff,

v.

Case No. 16-13108

Detroit Public Schools,

Sean F. Cox

United States District Court Judge

Defendant.

ORDER ADOPTING 12/11/17 REPORT AND RECOMMENDATION

Plaintiff filed this ERISA action claiming that Defendant breached fiduciary duties it owed with respect to his retirement benefits. The parties filed cross-motions for summary judgment and the Court referred the matter to Magistrate Judge David R. Grand for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

On December 11, 2017, Magistrate Judge Grand issued a Report and Recommendation (Doc. # 20) wherein he recommends that the Court deny Plaintiff's Motion for Summary Judgment, grant Defendant's Motion for Summary Judgment, and dismiss the complaint with prejudice as to any purported ERISA claims but without prejudice as to any other claims.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen days after being served with a copy of the R&R. "The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made." *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither

party has filed objections. The Court hereby ADOPTS the December 11, 2017, R&R.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment is DENIED, Defendant's Motion for Summary Judgment is GRANTED, and Plaintiff's complaint is DISMISSED WITH PREJUDICE as to any purported ERISA claims, but WITHOUT PREJUDICE as to any other claims.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: January 12, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 12, 2018, by electronic and/or ordinary mail.

s/Jennifer McCoy

Case Manager